

**Chapter 9****ETHICS, CODE OF****§ 9-1. Legislative intent.****§ 9-2. Definitions.****§ 9-3. Conflicts of interest.****§ 9-4. Standards of conduct.****§ 9-5. Violations.****§ 9-6. Board of Ethics.****§ 9-7. Administration.****§ 9-8. Filing of copy.****§ 9-9. Appropriations.**

**[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 1-26-71 as L.L. No. 1-1971. Amendments noted where applicable.]**

**§ 9-1. Legislative intent.**

The Village Board of the Village of Cold Spring recognizes that there are state statutory provisions mandating villages to establish rules and standards of ethical conduct for public officers and their employees which, if observed, can enhance public confidence in local government and tend to assure a high caliber of public administration. It is the purpose of this chapter to implement this objective. The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts-of-interest provisions or procedures described by statute or by common-law rules and judicial decisions relating to the conduct of municipal officers.

**§ 9-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

VILLAGE - Any board, commission, agency, department or unit of the government of the Village of Cold Spring.

VILLAGE EMPLOYEE - Any officer or employee of the Village of Cold Spring, whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

**§ 9-3. Conflicts of interest.**

No Village employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his/her duties in the public interest.

**§ 9-4. Standards of conduct.**

No Village employee shall:

- A. Directly or indirectly solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part.
- B. Disclose confidential information acquired by him/her in the course of his official duties or use such information to further his/her personal interests.
- C. Receive, or enter into any agreement, express or implied, for compensation for service to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or before any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

- D. Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of this municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.
- E. Accept other employment which will impair his/her independence of judgment in the exercise of his/her official duties.
- F. Use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.
- G. Engage in any transaction as representative or agent of the Village with any business entity in which he/she has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.
- H. By his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy his/her favor in the performance of his/her official duties, or that he/she is affected by the kinship, rank, position or influence of any party or person.
- I. Pursue a course of conduct which will raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust.
- J. After termination of service or employment with the Village, appear before any board or agency of the Village in relation to a case, proceeding or application in which he/she participated during his/her period of service or employment.

#### **§ 9-5. Violations.**

In addition to any penalty contained in any other provision of law, any such Village employee who shall knowingly and intentionally violate any of the provisions of this chapter may be fined, suspended or removed from office or employment in the manner provided by law.

**§ 9-6. Board of Ethics.**

There is hereby established a Board of Ethics to consist of at least three (3) members, which shall be appointed by the Village Board, all of whom shall reside in the Village of Cold Spring and who shall serve without compensation. Said Board shall be appointed from time to time to serve at the pleasure of the Village Board for the purposes designated at the time of appointment thereof. A majority of members shall be persons other than Village employees. Such Board shall include at least one (1) member who is an elected or appointed Village Officer or employee. The Board of Ethics so established shall render advisory opinions to the Village Board upon written request and make recommendations to the Village Board as deemed advisable. The opinions of the Board of Ethics shall be advisory and confidential. In no event shall the identity of the Village employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the Board, or if none is employed, by the Village Attorney. The Board of Ethics shall promulgate its own rules and regulations as to the procedures followed for the handling of any requests and shall maintain appropriate records of its opinions and proceedings. Upon rendering its report to the Village Board, its duties shall be discharged unless further request is made of said Board of Ethics by the Village Board.

**§ 9-7. Administration.**

Upon adoption of this chapter, the Mayor of the Village of Cold Spring shall cause a copy thereof to be distributed to every Village employee of this Village. Failure to distribute any such copy or failure of any Village employee to receive such copy shall have no effect upon the duty of compliance with this code nor the enforcement of provisions hereof. The Mayor of the Village of Cold Spring shall further cause a copy of this chapter to be kept posted conspicuously in each public building under the jurisdiction of the Village. Failure to so post this chapter shall have no effect on the duty of compliance herewith nor the enforcement of provisions hereof.

**§ 9-8. Filing of copy.**

Within thirty (30) days of the adoption of this chapter, the Village Clerk shall file a copy hereof in the office of the State Comptroller and this shall be in addition to the regular filing requirements for the adoption of the local laws.<sup>1</sup>

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<sup>1</sup> Editor's Note: The Municipal Home Rule Law § 27 provides for the filing of a certified copy of each local law in the office of the State Comptroller

**§ 9-9. Appropriations.**

The Village Board may appropriate moneys from the general Village funds for the maintenance of and for personal services to a Board of Ethics that may be established from time to time under this chapter, but the Board of Ethics may not commit the expenditure of Village moneys without approval of the Village Board nor except within the appropriations provided herein.